

APPEAL NO. 021260
FILED JULY 10, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing was held on April 18, 2002. The appellant (carrier) appeals the hearing officer's determinations that because respondent 2 (claimant) did not suffer additional damage to the physical structure of her body in an incident at work on _____, she does not have a compensable injury on _____, and that respondent 1 is not liable for benefits, except as otherwise provided in Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 124.3 (Rule 124.3). Respondent 1 responds to the appeal, urging affirmance. There is no response from the claimant contained in our file.

DECISION

Affirmed.

First, we do not consider the hearing officer's failure to detail and mention all of the evidence as reversible error or as allowing us to substitute our judgment for that of the hearing officer. Just because the hearing officer failed to discuss, or even mention, evidence that the carrier thought was particularly compelling, there is no evidence that the hearing officer failed to consider that evidence.

The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)), and determines what facts have been established from the conflicting evidence. St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). As an appellate-reviewing tribunal, the Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a governmental entity that self-insures, either individually, or collectively, through the TEXAS PUBLIC SCHOOL WORKERS COMPENSATION PROJECT)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY) TEXAS (ZIP CODE).**

Roy L. Warren
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Michael B. McShane
Appeals Judge